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09/350,983	07/09/1999	MARC PORAT	040180-0002	9089
24341	7590	08/01/2006	EXAMINER	
MORGAN, LEWIS & BOCKIUS, LLP. 2 PALO ALTO SQUARE 3000 EL CAMINO REAL PALO ALTO, CA 94306			PATEL, JAGDISH	
			ART UNIT	PAPER NUMBER
			3693	

DATE MAILED: 08/01/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

09/350,983

Applicant(s)

PORAT ET AL.

Examiner

JAGDISH PATEL

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 26 October 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 2-70, 74-82, 101, 106-111 and 113-116 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) 74 and 75 is/are allowed.
- 6) ☒ Claim(s) 2-70, 76-82, 101, 106-111 and 113-116 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

### **DETAILED ACTION**

1. This communication is in response to amendment filed 10/26/2005 .

#### ***Response to Amendment***

2. Claims 12, 16, 18, 26, 30, 34, 6, 7, 37, 39, 43-46 have been amended and new claims 115 & 116 have been added. The examiner has raised new issues for many claims and new ground of rejection is provided. Claims 74-75 have been allowed.

#### ***Response to Arguments***

3. Applicant's arguments with respect to the pending claims have been considered but are moot in view of the new ground(s) of rejections.

#### ***Claim Rejections - 35 USC § 101***

4. **Claim 115, 116, 7-11, 37, 39-46 are rejected under 35 U.S.C. §101 because the claimed invention is directed to a non-statutory subject matter.**

#### **Claims embracing two different statutory classes (claims 115, 116, 7-11, 37, 39-46)**

35 U.S.C. §101 requires that in order to be patentable the invention must be a “new and useful process, machine, manufacture or composition of matter or new and useful improvement thereof” (emphasis added). Applicant’s claims mentioned above are intended to embrace or overlap two different statutory classes of invention as set forth in 35 U.S.C. §101. Claim 115 begins by discussing a method (ex. Preamble of claim 115), the body of the

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claim discusses the specifics of the system ( “a computer system having at least one server”) and method (steps a) through j) of claim 115) (see rejection of claims under 35 U.S.C. §112, second paragraph, for specific details regarding this issue). “a claim of this type is precluded by express language of 35 U.S.C. §101 which is drafted so as to set forth statutory the statutory classes of invention in the alternative only”, Ex parte Lyell (17USPQ2d 1548).

Claims 7-11 further limit the system limitation “ the computer system” and claim 37 refers to “a buyer-created software process” as a system claim limitation.

Claim 116 and dependent claims also contain similar defect.

### ***Claim Rejections - 35 USC § 112***

**5. Claims 2-37, 39-70, 76-82, 101, 106-111 and 113-116 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.**

Claim 2 recites steps a) –c) pertain to communicating information regarding a product or service in response to a buyer’s request for information about the product or the service. Steps d) –j) pertain to communicating information regarding seller offers and associated rating of the offers in response to a request from a buyer. Steps a)- c) are not related to steps d)- j) because they are performed independent of each other. The role of steps a) – c) in the claim is unclear. It assumed that the request for buyer’s offer is based upon the information about the product information communicated in steps a) –c).

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Claim 2 refers to “an offer” throughout the claim limitations. Since the claim limitations pertains to the same offer, the term “an offer” should be referred to as “said offer “ or “the offer”.

Dependent claims 3-5, 12-36, 47-70, 76-82, 101 and 106-111 also inherit same defect.

Independent claims 113-116 also contain similar deficiencies. Dependent claims inherit the deficiencies of the parent independent claims.

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Claim 6 is indefinite because it does not specify how the limitation “buyer actively initiating a transfer to a different computer system” vague and unclear and does not correlate to the process steps (a)-(j).

Claims 7-11 pertain to limitation of a computer system. It is unclear how these claims relate to the process of claim 115.

Appropriate corrections are requested.

Claims 30-32: scope of this limitation cannot be ascertained because the phrase “asking the sellers to apply a suggestion module to said request” in the context of the balance of claim 2 is unclear. It appears that steps e) – j) of claim 2 are carried out whether the request include the information specified in claim 30 or not. Claim 31 and 32 also rendered indefinite due to usage of phrases “can exclude” and “can augment”. Appropriate correction is required.

Claims 62 recites limitation “the time remaining in the auction”, claim 63-68 recite “the buyer’s auction”. There is lack of antecedent basis for these limitations in claim 2.

Claims 115, and 116 and all dependent claims therefrom are not sufficiently precise due to the combining of two different statutory classes of invention in a single claim. The preamble

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the claim refers to a method, but the body of the claim discusses the specifics of the system (“a computer system having at least one server”). (For further details, see rejection claims under 35 USC § 101). Dependent claims 6-11, 37 and 39-46 also inherit this deficiency and are rejected accordingly.

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Claim 116 recites step k) “communicating information about the buyer..”, however, there is no antecedent basis for the limitation “information about the buyer” in the claim. The step “communicating information about the buyer” is also vague and unclear in context of the entire claim because the claimed invention recited in steps a) through j) concerns automatically generating rating information about seller offers and communicating information regarding seller offers and the rating information to the buyer who submitted a request for an offer. Step k) does not relate to the claimed invention as recited in claim as per steps a) – j) which renders the scope of claimed invention unclear.

Dependent claims 39-46 also inherit this deficiency.

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***Claim Rejections - 35 USC § 103***

**6. Claims 2-15, 18-32, 34-37, 39-56, 63-68, 76-77, 101, 106-116 are rejected under 35 U.S.C. 103(a) as being unpatentable over Carlton-Foss (US 6,647,373) and further in view of Call (US Pat. 5,913,210).**

1. Regarding claim 2: Carlton-Foss teaches step d) inputting into a computer a buyer’s request for purchase;

(col. 3 L 20-23 “posting means for posting information across the network, the request being descriptive of a request” and col. 7 L 34-51 “request data received at a first input/output interface..”)

e) communicating the request for an offer to at least two of the sellers;

(col. 3 L 23-27, “bidding means available to bidders ..in response to the request)

f) receiving offers, including terms of sale in response to the request, from at least two of the sellers;

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(col. 3 L 30-31 ..receiving means for receiving the plurality of bids sent ..by plurality of proposers)

g) automatically generating rating information about seller offers based on a plurality of predetermined criteria, wherein said plurality of criteria include at least one criterion other than price;

(col. 3 L 34-37, "evaluation means for ranking bids received in accordance with financial and an unspecified number of other qualitative and quantitative dimensions", col. 8 L 1-14, see "function of bid item evaluator" and "bid ranking manager 134", see col. 10 description of Fig. 11, other citation of automatic rating of offer is col. 11 L 55+ which refers to an algorithm for automatic evaluation (rating of the offers)), for further details about rating of offers also refer to Fig. 12b)

h) communicating information regarding at least some of the seller offers to at least one other seller;

(col. 6 L 10-26, "authorized bidders are able to view selected parts of the bids and responds with revised proposals)

i) receiving an adjusted offer from at least one of the sellers during a specified auction period; (see analysis step h) noting that a specified auction period is inherent to any auction)

j) communicating information regarding at least some of the seller offers and at least part of the rating information to the buyer (col. 6 L 42-50, ..displayed on requestor's worksheet.. and col. 12 L 52-58, requestor..review the results of the automated evaluations).

Carlton-Foss fails to teach however, Call in the same field of endeavor teaches:

inputting...a buyer's request for information about products or services..;

finding information in response to the request;

communicating at least part of the information found to the buyer.

It would have been obvious to one of ordinary skill in the art at the time of invention to incorporate the aforementioned process steps as per Call reference to because the buyer would be able to obtain information regarding products or services from respective sources. Such information would help the buyer to make informed decision regarding the product features, pricing and availability prior to purchase of the product or services. The buyer, once selects a product or service based upon the information received for that product or service may use any Method of purchase of the product including the one disclosed by Carlton-Foss .

Claims 3 and 4: wherein said request for an offer is inputted using an electronic template. (see col. 6, L 42-45, "requestor worksheet").

Claim 5: Carlton-Foss fails to teach however, Call in the same field of endeavor teaches:

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Information communicated to the buyer includes information found with a suggestion module (see product code translator, col. 3-4 and Fig.1 of Call reference).

It would have been obvious to one of ordinary skill in the art at the time of invention to incorporate the aforementioned process steps as per Call reference to include suggestion module. The suggestion module would assist the buyer in making decisions regarding product selection for purchase.

Claims 6 : Carlton-Foss teaches this step because, there is no requirement that the buyer does not actively initiate a transfer to any other computer. ( all process steps occur while the buyer (requestor terminal, Figures 1, 2 and 5), note that all processes occur automatically).

Claims 7-11: the examiner asserts that these claims recite further limitations of the computer system or apparatus . These claims fail to further limit the process claimed in the independent claim 115.

The process steps have no functional relationship to the structure of the computer system and in particular the management or operation of the computer system as recited in the instant claims.

Refer to claims 13-15 for analysis of claims 7-11.

Claim 12: inputting the request using graphical user interface with other related features recited are inherent to online auction wherein the auction is implemented via a web site of the provider as discussed in Carlton-Foss and Call.

Claims 13-15: It is asserted that (1) the process of method claim 2 (claim 13) does not depend upon how the request is input and (2) the specific design of the graphical user interface does not effect the inputting of the request for a product. Therefore, it is concluded that limitations of 13-15 do not functionally inter-relate to the process or acts of claims they depend upon and therefore, do not further distinguish the process of claims 2 and 13.

A limitation on a claim can broadly be thought of then as its ability to make a meaningful contribution to the definition of the invention in a claim. In other words, language that is not functionally interrelated with the useful acts, structure, or properties of the claimed invention



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will not serve as a limitation. See *In re Gulack*, 217 USPQ 401 (CAFC 1983), *Ex parte Carver*, 227 USPQ 465 (BdPatApp&Int 1985) and *in re Lowry*, 32 USPQ2d 1031 (CAFC 1994) where language provided certain limitations because of specific relationships required by the claims.

Therefore, it would have been obvious to a person of ordinary skill of art at the time of the invention was made to have any type of graphical user interface because such data does not relate to the functionality of the method claimed and because the such data does not patentably distinguish the claimed invention.

Claims 18: a plurality of criteria concerning buyer preferences (refer to Figure 14, Refer to “purchaser-assigned evaluation dimension” at col. 11 L 3-6).

Claims 19-25: The examiner interpretation concerning limitations which describe “criteria concerning buyer preferences” as recited in claims 19-25 do not functionally inter-relate to the process or acts of claim 2. In other words, these claims recite specifics of manner in the buyer preferences have been obtained and the weighted, which do not alter the process of claim 2. Further analysis of such claims is provided in claims 13-15 analysis.

Claims 26-32 : All limitations of claims including specific attributes of the request are interpreted as not functionally interrelated with the limitations of claim 2. Further analysis of

Claims 26-32 are analyzed in accordance with claims 13-15 analysis.

Claims 34: Carlton-Foss fails to teach, however, Call, in the same field of endeavor teaches, searching a database for offers (see Call col. 2 L 33-37).

Therefore, it would have been obvious to a person of ordinary skill of art at the time of the invention was made to provide for searching of a database as per claim 34. Searching for

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offers and other relevant information would help the buyer to make informed decision regarding the product features, pricing and availability prior to purchase of the product or services.

Claims 35-36: further limitations of database are treated as not functionally to inter-relate to the process or acts of claim 2. Detailed analysis of such claims and limitations is provided in foregoing claim analysis.

Claims 37: Carlton-Foss and Call fail to explicitly teach however, official notice is taken programming a computer to periodically sent request for an offer (such as a bid in auction environment wherein a “bid-proxy” submit a request or bid in accordance with the predetermined time intervals) and well known methods. It would have been obvious to one of ordinary skill in the art at the time of the invention to implement this feature for the convenience of the buyer. The examiner has treated the term “buyer-created” as a limitation not further limiting the process or acts of the method claims. Refer to claims 13-15 for such limitations.

Claims 39-42: the limitation “in exchange for consideration to the buyer” is interpreted as intended use or expected result of the communicating information about the buyer. No patentable weight is given to these limitations because it does not have any limiting effect in the process of claim 116.

Claims 43-46: The examiner interpretation concerning limitations which describe “said information about the buyer” as recited in claims 43-46 do not functionally inter-relate to the process or acts of claim 116. In other words, these claims recite specifics of the information about the buyer do not alter the process of claim 116. Further analysis of such claims is provided in claims 13-15 analysis.

Claims 47-50: cited references teach various forms of rating information. (see Carlton-Foss numerical percentage “goodness of match” as calculated by the “Bid Ranking Manager”). However, ranking of merchants, vendors and service providers in many different forms is old and well known and within the skill of one of ordinary skill in the art.

Claim 51-52: seller information includes identity of the offerer (see Carlton-Foss, col. 6 L 41-55).

Claim 53-54 and 109-111: communicating of seller offers and rating information takes place during auction period (see col. 6 L 15-17, L 47-51).

Claims 55-56: the limitation “in exchange for consideration” is interpreted as intended use or expected result of the communicating of seller offers. No patentable weight is given to these limitations because they do not have any limiting effect in the process of claim 2.

Claims 58-61: it is asserted that the specific attributes of the computer algorithm as recited claims 58-61 do not make a meaningful contribution to the definition of the invention in a claim. In other words, language of claims 58-61 does not functionally interrelate with the useful acts, structure, or properties of the claimed invention and therefore do not serve as a limitation. Therefore, it would have been obvious to a person of ordinary skill of art at the time of the invention was made to have the offers adjusted with any computer algorithm because such data does not relate to the functionality of the method claimed and because the such data does not patentably distinguish the claimed invention.

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Claims 63-68: the specific limitations of the instant claim do not functionally inter-relate with the process steps of the method claim 2. In other words, the process steps the claimed method is carried out regardless of the nature or specifics of the auction parameters.

Therefore, it would have been obvious to a person of ordinary skill of art at the time of the invention was made to have the buyer's auction include any auction parameters (including those recited claims 63-68) because such data does not relate to the functionality of the method claimed and because the such data does not patentably distinguish the claimed invention.

Claim 76: ..side by side comparisons of a plurality of seller offers (see Fig. 15 of Carlton-Foss).

Claim 77: communicating an offer for ancillary goods and services to the buyer..related to the buyer's request for an offer..(see Figure 4b and Fig. 12a Product, Services and warranty).

All limitations of method claim 113 have been analyzed as per claim 2 analysis.

Claim 101: acceptance of the buyer ..of offers to ..sellers

(inherent to consummate the transaction in any auction such as one disclosed in the instant references)

Claim 106-108: the step of automatically generating rating information occurs before the step of receiving an adjusted offer (inherent to Carlton-Foss, because the rating is generated before adjusted offers are received). (see background of see Carlton-Foss, alternatively other variations of this step such as "before" and "after" the auction period are obvious to those skilled in the art as such knowledge is widely available in marketing art.)

All limitations of claim 113 have been analyzed as per claim 2.

Claim 114 corresponds to an apparatus claim which comprises

Means for functions (or method steps) which have been analyzed per claim 2.

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Claim 115: Refer to claim 1 Carlton-Foss teaches d) receiving a buyer's request for an offer;

(database system 20 receives buyer's request for an offer, see col. 5 L 21-24, L 34-39)

e) communicating the request for an offer to at least two sellers; (see col. 5 L 21-24, L 34-39, L 63-65);

f) through j) refer to claim 2 noting the term "computer associated with the buyer" is addressed in limitation "buyer".

Further, claim 115 is analyzed in the manner discussed in claim 2 analysis.

Claim 116: all limitations of claim 116 are analyzed per claim 115 analysis with the following addition.

Regarding limitation k) Carlton-Foss teaches communicating information about buyer to at least one of the sellers (see col. 6 L 4-8, key identifying information such as identification of the requestor).

**7. Claims 16 and 17 are rejected under 35 U.S.C. 103(a) as being unpatentable over**

**Carlton-Foss and Call as applied to claim 2 and further in view of Chen (US Pat.**

**4,991,737) (Chen).**

Claims 16-17: Carlton-Foss and Call fail to teach, however, Chen, in the same field of endeavor, Chen teaches input of information regarding electronic commerce between buyer and seller using a voice user interface (Chen Col. 4 L 61- col. 5 L 16). The examiner asserts that communication of purchase order and communication of auction is analogous.

It would have been obvious to one of ordinary skill in the art at the time of invention to modify the method of claim 2 in view of Chen to provide for input using a voice interface because some users prefer voice user interface over conventional methods of inputs or more desirable alternative under some situations.

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Claim 17 is interpreted and analyzed in a manner explained in claims 13-15 analysis.

**8. Claim 33 is rejected under 35 U.S.C. 103(a) as being unpatentable over Carlton-Foss and Call as applied to claim 2 and further in view of Hauser, et al. (US Pat. 6,061,789).**

Claim 33: Carlton-Foss in combination with Call fails to teach, however, Hauser, et al. (US Pat. 6,061,789), in the same filed of endeavor teaches maintaining anonymity of the buyer or seller.

It would have been obvious to one of ordinary skill in the art at the time of the invention to buyer or seller to remain anonymous while communicating electronic purchase transaction until certain phase of the transaction when the identity of the parties is absolutely required to complete the purchase.

**8. Claims 69-70, 78-82 are rejected under 35 U.S.C. 103(a) as being unpatentable over Carlton-Foss and Call as applied to claim 2 and further in view of Alaia.**

Claims 69-70: Carlton-Foss and Call do not explicitly teach, that adjusted offer expires after a time period specified the offerer (seller) or after a time specified by the offerer.

However, official notice providing sales or offers by seller having expiration in terms of a specified time period (e.g. offer is good for a week) or specified expiration date (e.g. not valid after certain date) are old and well known.

It would have been obvious to one of ordinary skill in the art at the time of the invention to implement these features of the aforementioned claims per the Official Notice taken in order to that the buyer will be prompted to respond within reasonable time limits. Also it would safeguard the seller in the event of market pricing fluctuations.

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Claims 78-82: Carlton-Foss and Guttman do not explicitly teach, however, Alaia teaches adding information about the auction to a database (Alaia, refer to Figures 6A-9B elements of database recited in dependent claims).

It would have been obvious to one of ordinary skill in the art at the time of the invention to implement these features of the aforementioned claims per Alaia as a preference of design choice in order that the information (records of the auction activity) is properly maintained in the databases.

**9. Claims 57-61 are rejected under 35 U.S.C. 103(a) as being unpatentable over Carlton-Foss and Call as applied to claim 2 and further in view of Mori et al.**

A limitation on a claim can broadly be thought of then as its ability to make a meaningful contribution to the definition of the invention in a claim. In other words, language that is not functionally interrelated with the useful acts, structure, or properties of the claimed invention will not serve as a limitation. See *In re Gulack*, 217 USPQ 401 (CAFC 1983), *Ex parte Carver*, 227 USPQ 465 (BdPatApp&Int 1985) and *in re Lowry*, 32 USPQ2d 1031 (CAFC 1994) where language provided certain limitations because of specific relationships required by the claims.

In the instant case, the nature of the adjustment process used to accomplish the adjustment of the offer is not functionally interrelated with the useful act(s) of the claimed process including the act of receiving an adjusted offer. In other words, the manner in which the adjusted offer is adjusted does not change the useful acts of the claim. Therefore, any attribute of the adjusted offer including how it is achieved is treated as non-functional descriptive material.

Thus, this descriptive material (of the adjusted offer) will not distinguish the claimed invention from the prior art in terms of patentability, see *In re Gulack*, 703 F.2d 1381, 1385, 217 USPQ 401, 404 (Fed. Cir. 1983), *In re Lowry*, 32 F.3d 1579, 32 USPQ2d 1031 (Fed. Cir. 1994).

Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to receive any type of adjusted offer, including those adjusted with a computer algorithms because such data does not functionally relate to the steps in the method claimed and because the subjective interpretation of the data does not patentably distinguish the claimed invention.

**9. Claims 57-61 are rejected under 35 U.S.C. 103(a) as being unpatentable over Carlton-Foss and Call as applied to claim 2 and further in Rupp (PG Pub. 2001/0027431A1).**

Claim 57: Carlton-Foss and Call fail to explicitly teach adjusted offer is adjusted at least in part by a computer algorithm. Rupp, in the same field of endeavor, teaches a method of adjusting an offer (a bid value) at least in part by a computer algorithm.

(See [0023] automatically calculating an adjusted value for the total bid value by performing the function using the updated value without any additional input)

Therefore, it would have been obvious to a person of ordinary skill of art at the time of the invention was made to have the adjusted offer adjusted at least in part by a computer algorithm because this would allow the bidder to easily set or change any aspect of the bid or offer consistently, accurately and efficiently during the course of the auction.

Limitations of claims 58-61, which recite specific algorithms, are treated as not functionally interrelated to the process of claim 2 and 57. Further analysis of these claims in found in previous claims.

**10. Claims 62 is rejected under 35 U.S.C. 103(a) as being unpatentable over Carlton-Foss in view of Call as per claim 2 analysis in and further in view of Godin et al. (US Pat. 5,890,138).**



Carlton-Foss and Call fail to explicitly teach however, Godin et al. teaches time remaining in the specified auction communicated to the buyer and at least one of the sellers (Refer to BACKGROUND OF THE INVENTION “each participant is provided with the current price, the quantity on hand and the *time remaining* in the auction”).

Therefore, it would have been obvious to a person of ordinary skill of art at the time of the invention was made to have the buyer's auction provide this time remaining to the auction which would assist the buyer and seller manage their participation in the auction.

***Allowable Subject Matter***

11. Claims 74 and 75 are allowed.

***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to JAGDISH PATEL whose telephone number is (571) 272-6748. The examiner can normally be reached on 800AM-600PM M-Th.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Vincent Millin can be reached on (571) 272-6747. The fax phone number for the organization where this application or proceeding is assigned is 517-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Jagdish N. Patel

(Primary Examiner, AU 3624)

6/16/06